

REMARKS

The Examiner has set a shortened statutory period for response to this communication to expire one (1) month from the mailing date of the communication, making Applicants' response due by August 2, 2007.

In the Office Communication, claims 1-16 were pending. The Examiner has taken the position that the application claims two independent and distinct inventions, which have been grouped as follows:

Group I, claims 1-13, 15 and 16, drawn to compound of formula I, process of making, composition and method of use.

Group II, claim 14, drawn to various intermediates of formula 4, 5, 6, and 13.

Applicants elect, with traverse, Group I, claims 1-13, 15 and 16. Reconsideration of the restriction requirement is respectfully requested. The Examiner has cited PCT rules in making the present lack of unity objection, however, the PCT rules have already been taken into account during the International Phase of this application. The PCT Examiner concluded that the corresponding International Application met all of the PCT requirements of unity. Thus, Applicants view as appropriate the inclusion in a single application all of the pending claims. This interrelationship rather than the classification in separate classes should be the overriding factor in determining the propriety of the restriction requirement. Additionally, the current guidelines on restriction practice recommend the examination of different sets of claims when such examination would not be unduly burdensome or prolonged. It is contended that this guideline would apply to the instant set of claims.

Applicants further submit that the large common structural elements of the molecule should be considered when determining unity of invention. Accordingly, Applicants respectfully request examination of the entire scope of the claims as pending.

Applicants believe that this communication is fully responsive to the Office Communication and that no new fees are due. However, the Commissioner is authorized to debit any applicable fees from the deposit account of the undersigned, no 50-1676 in the name of Syngenta Crop Protection, Inc.

Respectfully submitted,

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